

E-FILED - 3/18/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WHITT DEWANE ROBINSON,

Petitioner,

vs.

TOM L. CAREY, Warden,

Respondent.

No. C 06-6960 RMW (PR)

ORDER GRANTING EXTENSION
OF TIME TO FILE OPPOSITION
TO MOTION TO DISMISS

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On September 10, 2008, respondent filed a motion to dismiss the petition as untimely. On October 15, 2008, the court granted petitioner an extension of time in which to file an opposition to the motion to dismiss. On December 9, 2008, the court granted a petitioner a second extension of time until January 24, 2009, to file an opposition to the motion to dismiss, noting that the extension would give petitioner four months in which to file his opposition. On December 18, 2008, the court's order was returned as undeliverable because petitioner was no longer residing at the California Correctional Institution, his last known address. On January 22, 2009, petitioner sent the court a letter requesting the status of his case, and on February 2, 2009, petitioner sent notification of his change of address. To date, petitioner has not filed an opposition to the motion to dismiss.

1 However, because it is unclear whether petitioner received notice that his motion for
2 extension of time was granted, the court sua sponte grants petitioner one last extension of time to
3 file an opposition to respondent's motion to dismiss. Petitioner shall file an opposition to
4 respondent's motion to dismiss **within 30 days** of the filing date of this order. Further requests
5 for an extension of time will not be favored. Respondent shall file his reply within **15 days** of
6 the filing date of the opposition.

7 IT IS SO ORDERED.

8 Dated: 3/16/09


RONALD M. WHYTE
United States District Judge